



Rep. John E. Bradley

**Filed: 4/12/2013**

09800HB2496ham003

LRB098 10739 HLH 44490 a

1 AMENDMENT TO HOUSE BILL 2496

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2496, AS AMENDED,  
3 immediately above the enacting clause, by inserting the  
4 following:

5 "WHEREAS, The State of Illinois has a strategic interest in  
6 the operations of the Illinois International Port District and  
7 its Board, whose function is to develop the District's port and  
8 harbor facilities, issue construction permits, regulate the  
9 District's facilities and waterways, establish and operate  
10 foreign trade zones, and govern and administer all the District  
11 area within Chicago's corporate limits; and

12 WHEREAS, The Illinois International Port District is a very  
13 significant driver of freight movement and economic activity  
14 throughout the State of Illinois, including the downstate  
15 waterways and especially the Mississippi River and the Illinois  
16 River; and

1           WHEREAS, In 2010, cargo shipments at the Port of Chicago  
2 directly or indirectly supported 6,930 jobs and generated  
3 \$425,000,000 in revenue for Illinois firms, according to the  
4 Washington D.C.-based American Great Lakes Ports Association;  
5 and

6           WHEREAS, The Port of Chicago links rail and trucking lines  
7 with barges and ships supplying the Great Lakes and nearby  
8 rivers and handles an estimated 26,000,000 cargo tons annually  
9 throughout its 1,500 acre complex on the far south side,  
10 according to a recent estimate by a consortium of Great Lakes  
11 shipping interests; and

12           WHEREAS, In 1978, the Capital Development Board provided  
13 funds to the Illinois International Port District as authorized  
14 by Section 13 of the Capital Development Board Act, which  
15 provides for repayment by the Illinois International Port  
16 District using a flexible formula based on specified levels of  
17 revenues and profits; and

18           WHEREAS, In the over 30 years since that payment from the  
19 Capital Development Board, the Illinois International Port  
20 District has never been required to make a single payment to  
21 the Capital Development Board because it has never reached the  
22 levels of revenues and profits that would require such payment;

1 and

2 WHEREAS, The Capital Development Board annually certifies  
3 to the Illinois International Port District that it owes no  
4 payment for the year to the Capital Development Board; and

5 WHEREAS, It is virtually impossible that the Illinois  
6 International Port District will ever reach the level of  
7 revenues and profits that would require it to make a payment to  
8 the Capital Development Board; and

9 WHEREAS, In its financial statements for each year since at  
10 least 2005, the Capital Development Board has "reserved" the  
11 entire amount lent to the Illinois International Port District,  
12 indicating that it does not expect any payments under the loan,  
13 and that non-payment of the loan would not require any future  
14 or present cash outlay by the Capital Development Board or the  
15 State; and

16 WHEREAS, For the reasons discussed above, the existence of  
17 this debt is of no value whatsoever to the State and serves  
18 only to limit the investment in the Port of Chicago and the  
19 amount of economic activity throughout Illinois water and rail  
20 lines; and

21 WHEREAS, Official forgiveness of the obligation from the

1 Illinois International Port District to the Capital  
2 Development Board would benefit the entire State of Illinois by  
3 allowing greater investment in the State's waterways and  
4 freight facilities; therefore"; and

5 by inserting Section 7 in its proper numeric sequence as  
6 following:

7 "Section 7. The Capital Development Board Act is amended by  
8 changing Section 13 as follows:

9 (20 ILCS 3105/13) (from Ch. 127, par. 783)

10 Sec. 13. The Board may provide cargo handling facilities  
11 and facilities designed for the movement of cargo to or from  
12 cargo handling facilities for the use of regional port  
13 districts. Pursuant to appropriations setting forth specific  
14 projects and regional port districts, the Board shall contract  
15 with the regional port district named in the Act making the  
16 appropriation for cargo handling facilities. Such contract  
17 shall provide that the regional port district shall remit to  
18 the State of Illinois an amount equal to not more than 20% of  
19 the gross receipts attributable to those facilities, and not  
20 less than 20% of the profit attributable to those facilities,  
21 whether collected by the regional port district or through an  
22 operator or other intermediary, until the full amount  
23 appropriated and expended by the State of Illinois has been

1 remitted to the State. The exact amount of, the manner of, the  
2 method of and the time for such remittances shall be agreed  
3 upon by the particular port district and the Board acting  
4 through its Executive Director, and such agreement may, from  
5 time to time, be amended by the parties so as to alter or  
6 modify the amount of, manner of, method of and time for the  
7 remittance, including, but not limited to, the temporary  
8 forgiveness, suspension or delay of the remittances not to  
9 exceed 24 months for any single suspension or delay. The  
10 payback is subordinate solely to any outstanding public bond  
11 agreements existing at the time of the contract and solely for  
12 the period of time of the running of those bond agreements. For  
13 any contract entered into under this Section, if, for a period  
14 of 25 years, a regional port district has not been required to  
15 remit any amount because the regional port district has failed  
16 to achieve the required level of profit, then the regional port  
17 district shall not be required to remit any amount under the  
18 contract.

19 This Section shall apply to all regional port district  
20 facilities to be constructed by the Board, including projects  
21 for which appropriations or reappropriations have been made  
22 prior to June 30, 1976, and to all contracts existing prior to  
23 the effective date of this amendatory Act of 1985 as well as  
24 contracts entered into on or after such date.

25 (Source: P.A. 84-781.)".